

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NARCISCO FRANCO,)	
Petitioner)	
)	Civil Action No. 05-10862-MEL
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
Respondent)	
)	

**Government's Motion For Leave To File
Late Its Memorandum In Opposition To
Petitioner's Motion Under 28 U.S.C. § 2255**

Introduction

The United States of America, by Michael J. Sullivan, United States Attorney, and Michael J. Pelgro, Assistant U.S. Attorney, hereby files this motion for leave to file late its memorandum in opposition to the petitioner's motion under 28 U.S.C. § 2255. In support of this motion, the government states that the Court previously allowed the government's motion, which was filed on May 27, 2005, for an extension of time to August 1, 2005 to file its response to the petitioner's motion. In the intervening time, the undersigned government counsel had to retrieve the criminal case file and to familiarize himself with the underlying criminal case (the prosecutors who handled the petitioner's criminal case and his direct appeal are no longer employed by the U.S. Attorney's Office). In addition, government counsel was involved in many other narcotics investigations and cases as well as in numerous supervisory duties within the U.S. Attorney's Office. Government counsel also was on vacation out of Massachusetts in July 2005. Due to these various circumstances, the government was unable to complete its response until today.

Based on the foregoing reasons, the government respectfully requests that the Court grant

it leave to file late its memorandum in opposition to the petitioner's motion under 28 U.S.C. § 2255.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/Michael J. Pelgro
Michael J. Pelgro
Assistant U.S. Attorney

DATED: August 20, 2005.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Narciso A. Franco
Inmate No. 23787-038
FSL Elkton, Unit H/A
P.O. Box 10
Lisbon, OH 44432

This 20th day of August 2005.

/s/Michael J. Pelgro
MICHAEL J. PELGRO
ASSISTANT UNITED STATES ATTORNEY_